

REMARKS

The Application has been reviewed in light of the Office Action mailed March 15, 2005. Claims 20-25 were previously withdrawn. Claims 1-19 remain pending and have not been amended. Reconsideration and withdrawal of all outstanding objections and rejections are respectfully requested in light of the foregoing amendments and the following remarks.

The Oath stands objected to as being "defective," and not in compliance with 37 CFR 1.67 for failing to identify the residence of Masahiro Ando. This objection is traversed. In accordance with 37 C.F.R. 1.63, an Oath/Declaration must identify "[t]he mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail." [Emphasis Added]. In the present case, the Declaration, as submitted on April 12, 2001, identifies a mailing address for each inventor. A residence is not necessary here because the residence is not different from the mailing address. Accordingly, the Declaration is believe to be in compliance with all necessary regulations, and withdrawal of this objection is requested.

The drawings stand objected to for failing to comply with 37 CFR 1.84(p)(5). FIG. 3 has been amended to include label 105, as described in the original specification at, for example, p. 23, line 3. Moreover, the specification has been amended to include reference character(s) shown in the Figures as originally filed. No new matter has been added. Withdrawal of the objections is requested.

The Abstract stands objected to for including legal phraseology. Specifically, the Office Action objected to the phrase "means." The Abstract has been amended to obviate this objection.

Claims 1-3, 9, 11-12, 14-15, and 18-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable in view of U.S. Patent No. 6,428,476 to Heikkila et al ("Heikkila") in view of U.S. Patent No. 5,891,042 to Sham et al. ("Sham"). The rejection is traversed.

The present invention relates to an exercise monitor that can accurately record exercise performed for an individual user. The exercise monitor, as embodied by independent claim 1, includes a motion sensor, an identity checker, and a recording means. The recording means records "exercise motion as valid data only after said identity check means has verified said user's identity." Accordingly, the claimed exercise monitor is structured so that it records exercise data only when its intended user, whose identity has been confirmed, is using it.

The Office Action acknowledges that Heikkila does not teach or suggest either a "motion sensor" or a "recording means for recording an output date of said motion sensor," as recited by independent claim 1. Office Action, at 5. Nor does Sham cure this deficiency. Sham discloses a conventional pedometer device at col. 1, lines 19-21, which can be used to record a distance traveled. Sham does not, however, teach or suggest a "recording means [which] records said exercise motion as valid data only after said identity check means has verified said user's identity," as recited by claim 1.

Accordingly, the cited references, whether considered alone or in combination, do not render obvious the claimed invention as recited by claim 1. Claims 2-19 depend from claim 1 and contain all of the limitations recited therein. For at least these reasons, withdrawal of this rejection is requested.

Claims 4-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heikkila in view of Sham and further in view of U.S. Patent Pub. No. 2002/0070954 ("Lang"). For whatever Lang teaches regarding asking a user to input answers, Lang

does not cure the deficiencies of Heikkila and Sham as discussed above. For at least these reasons, withdrawal of the rejection is requested.

Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Heikkila in view of Sham and further in view of U.S. Patent Pub. No. 2001/0032098 ("Kulkarni"). For whatever Kulkarni teaches regarding use of a fingerprint or voiceprint pattern, Kulkarni does not cure the deficiencies of Heikkila and Sham as discussed above. For at least these reasons, withdrawal of the rejection is requested.

Claims 16-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heikkila in view of Sham and further in view of U.S. Patent No. 5,976,083 to Richardson et al ("Richardson"). For whatever Richardson teaches regarding wearing a check means or synchronizing an exercise rhythm, Richardson does not cure the deficiencies of Heikkila and Sham as discussed above. For at least these reasons, withdrawal of the rejection is requested.

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Heikkila in view of Sham and further in view of U.S. Patent No. 5,078,134 to Heilman et al. ("Heilman"). For whatever Heilman teaches regarding wearing a motion monitor, Heilman does not cure the deficiencies of Heikkila and Sham as discussed above. For at least these reasons, withdrawal of the rejection is requested.

In view of the above, Applicants submit that each of the currently pending claims is in condition for immediate allowance. Favorable action on the application, including claims 1-19, is solicited.

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